

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 23788

**URGENT CONSENSUAL MOTION FOR FURTHER EXTENSION OF DEADLINES  
REGARDING MOTION REQUESTING PAYMENT OF SEVERANCE DAMAGES**

To The Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Puerto Rico Highways and Transportation Authority (“HTA” or the “Debtor”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this urgent motion for an order

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA is codified at 48 U.S.C §§ 2101-2241.

further extending the briefing schedule related to the *Motion Requesting Payment of Severance Damages* [ECF No. 23612] (the “Motion”) and represents as follows:

**REQUEST FOR RELIEF**

1. On February 23, 2023, Adrián Mercado Jiménez, Teresa Vizcarrondo Toro, and their conjugal society (collectively, “Movants”) filed the Motion, seeking payment in an amount of \$197,597.00 in connection with HTA’s purported expropriation of certain property, as described further in the Motion.

2. On February 24, 2023, the Court entered the *Order Scheduling Briefing of Motion Requesting Payment of Severance Damages* [ECF No. 23621] (the “Initial Scheduling Order”).

3. Shortly thereafter, counsel for the Oversight Board contacted Movants to obtain additional information concerning the assertions made in the Motion, and the parties agreed to extend the deadlines set forth in the Initial Scheduling Order to allow that information exchange to continue.

4. To that end, on March 10, 2023, the Oversight filed an urgent motion [ECF No. 23785] to extend the deadlines established by the Initial Scheduling Order, which the Court granted that same day [ECF No. 23788] (the “Scheduling Order”). The Scheduling Order established a deadline of March 24, 2023 for the filing of any responsive papers (the “Objection Deadline”) and a deadline of March 31, 2023 for the filing of Movant’s reply papers (the “Reply Deadline”), with the Motion to be taken under submission thereafter unless the Court determined otherwise.

5. Counsel for the Oversight Board has been in communication with Movants to obtain additional information concerning the assertions made in the Motion; as of the filing of this Motion, HTA has submitted information requests to Movant and is awaiting their reply. At the same time, HTA is continuing to analyze its books and records and the facts and circumstances

surrounding the Motion, but has not yet completed its analysis. HTA therefore submits this Urgent Motion to request a further extension of the Objection Deadline and Reply Deadline to permit HTA to complete its assessment and for the Oversight Board to further discuss the Motion with Movants. Movants have been informed of and have no objection to the extension requested herein.

6. Accordingly, with the Movants' consent, HTA respectfully requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), extending the Objection Deadline and Reply Deadline to **April 7, 2023**, and **April 14, 2023**, respectively.

7. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1 in Case No. 17-3283] (the "Case Management Procedures"), HTA hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

### **NOTICE**

8. HTA has provided notice of this Urgent Motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF); (c) counsel for AAFAF; (d) counsel to the statutory committees appointed in these Title III cases; (e) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (f) all parties filing a notice of appearance in these Title III cases; and (g) Movants. A

copy of the Urgent Motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

9. HTA submits that, in light of the nature of the relief requested herein, no other or further notice need be given.

WHEREFORE, HTA requests the Court enter the Proposed Order and grant HTA such other relief as is deemed just and proper.

Dated: March 24, 2022  
San Juan, Puerto Rico

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer  
Hermann D. Bauer